

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

UNITED STATES OF AMERICA,) CASE NO. 1:19-cr-184
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)
PLAINTIFF,) JUDGE SARA LIOI
)
)
vs.)
) ORDER
TOBY CLIFTON LEWIS,)
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)
DEFENDANT.)

This matter is before the Court upon Magistrate Judge Kathleen B. Burke's Report and Recommendation that the Court ACCEPT the plea of guilty of defendant Toby Clifton Lewis and enter a finding of guilty against defendant. (Doc. No. 235.)

On June 19, 2019, the government filed a Superseding Indictment against defendant (Doc. No. 15.) On November 8, 2019, this Court issued an order assigning this case to Magistrate Judge Burke for the purpose of receiving defendant's guilty plea. (Doc. No. 208.)

On November 22, 2019, a hearing was held in which defendant entered a plea of guilty to Count 1 of the Superseding Indictment, charging him with Conspiracy to Distribute and Possess with Intent to Distribute Fentanyl and Cocaine Base ("Crack"), in violation of 21 U.S.C. Section 846 and 841(a)(1) and (b)(1)(C), to Counts 22, 23, 24, 25, and 26 of the Superseding Indictment, charging him with Distribution of Fentanyl and Possession with the Intent to Distribute Fentanyl and Cocaine Base ("Crack"), in violation of 21 U.S.C. Section 841(a)(1) and (b)(1)(C), to Count 27 of the Superseding

Indictment, charging him with Felon in Possession of a Firearm, in violation of 18 U.S.C. Section 922(g)(1), and to Count 28 of the Superseding Indictment, charging him with Possessing a Firearm in Furtherance of a Drug Trafficking Crime, in violation of 18 U.S.C. Section 924(c)(1)(A). Magistrate Judge Burke received defendant's guilty plea and issued a Report and Recommendation ("R&R") recommending that this Court accept the plea and enter a finding of guilty. (Doc. No. 235.)

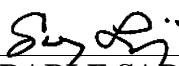
Neither party objected to the Magistrate Judge's R&R in the fourteen days after it was issued.

Upon *de novo* review of the record, the Magistrate Judge's R&R is ADOPTED. Specifically, the Court finds as follows: that the defendant is competent to enter a plea, that he understands his constitutional rights, that he is aware of the consequences of entering a plea, and that there is an adequate factual basis for the plea. The Court further finds that the plea was entered knowingly, intelligently, and voluntarily. Accordingly, the defendant's plea of guilty is APPROVED.

Therefore, the defendant is adjudged guilty of Counts 1s, 22s, 23s, 24s, 25s, 26s, 27s, and 28s in violation of 21 U.S.C. Section 846 and 841(a)(1) and (b)(1)(C) and 18 U.S.C. Section 922(g)(1) and 924(c)(1)(A). The sentencing will be held on March 24, 2020 at 11:00 a.m.

IT IS SO ORDERED.

Dated: January 2, 2020


HONORABLE SARA LIOI
UNITED STATES DISTRICT JUDGE

